

Application Serial No. 09/665,018

### REMARKS

The Applicants and the undersigned thank Examiner Colin for his time and consideration given during the telephone interview of February 22, 2005. The Applicants and the undersigned also thank the Examiner for his careful review of this application. Claims 1-20 have been rejected. Upon entry of this amendment and in connection with the Request for Continued Examination (RCE) filed with this amendment and in response to the Examiner's Interview Summary mailed on February 28, 2005, Claims 1-20 will remain pending in this application.

The independent claims are Claims 1, 8, and 11. Consideration of the present application is respectfully requested in light of the RCE, the telephonic interview, the above amendments to the application, and in view of the following remarks.

#### Summary of Telephonic Interview of February 22, 2005

The Applicants and the undersigned thank the Examiner for his time and consideration given during the telephonic interview of February 22, 2005. During this telephonic interview, written points provided by the Applicants prior to the interview were discussed.

These written points addressed the following issue: whether the provisional application that was filed on September 19, 2000 and that serves as priority for U.S. Patent Application Publication No. 2001/0034847, published in the name of Stephen E. Gaul (hereinafter, the "Gaul reference") supports the subject matter in the non-provisional application that was relied upon by Examiner Colin in his Final Office Action of November 23, 2005 to reject the claims.

To reject the claims of the present application, it was necessary for Examiner Colin to rely on the priority date of the Gaul reference. The provisional application that serves as the priority document for the Gaul reference must clearly support the subject matter relied upon by the Examiner in the published non-provisional application of the Gaul reference as set forth by M.P.E.P. § 2136.03 (Critical Reference Date, Subsection (III), page 2100-99).

The Applicants requested the Examiner to withdraw the finality of the Office Action of November 23, 2005 pursuant to M.P.E.P. § 706.07(e) Withdrawal of Final

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Rejection, General, page 700-77, third paragraph because the Applicants believed that the subject matter relied upon by the Examiner in the Gaul reference was not fully supported by its corresponding provisional application.

As one example that subject matter relied upon by the Examiner in the Gaul reference was not fully supported by its provisional application, the Applicants referred to an element of independent Claim 1 that was addressed by the Examiner's Final Office Action of November 23, 2004. The element of independent Claim 1 was as follows:

“generating workstation credentials in response to the scanner conducting the vulnerability assessment of the workstation.”

The Applicants noted that Examiner Colin's Final Office Action of November 23, 2004, Page 3, paragraph 3.2, line 10 relies on Page 7, paragraphs 0073-0078 of the Gaul reference to reject the claimed element listed above. The Applicants provided the text of paragraphs 0073-0078 of the Gaul reference and its corresponding Figures 2 and 3 in their written points.

The Applicants then compared this text and Figures 2 and 3 of the Gaul reference to the text and the only two Figures provided in the provisional application that serves as priority to the Gaul reference. The Applicants demonstrated how paragraphs [0073-0078] and Figures 2 and 3 of the Gaul reference are not supported by the text and the only two figures of the provisional application.

In response to the Applicants' position, the Examiner directed the Applicants' representative to page 14 of the provisional application of the Gaul reference. Page 14, second paragraph of the provisional application states the following:

“...The netPredator.com™ service will provide a user with a set of applications that scans a company's Internet Firewalls, web servers, e-mail servers, DNS servers, access routers and other Internet hosts and identifies any known security vulnerabilities. The application then provides reports of all security vulnerabilities found and supplies information on any known fixes to the identified vulnerabilities...”

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Examiner Colin stated that this text of the provisional application clearly supports page 9, paragraph [0115] of the Gaul reference. Page 9, paragraph [0115] of the Gaul reference states the following:

“[0115] Once security penetration testing completes, a recommendation report revealing the results is automatically delivered to the user. This can be delivered through email, traditional mail or directly online through a secure Internet browser. This report provides the user with detailed results of penetration attempts made and any vulnerabilities that may exist. Informed decisions can then be made for corrective action.”

While page 14, second paragraph of the provisional application may arguably support paragraph [0115] of the Gaul reference, the Applicants note that the Examiner's Final Office Action of November 23, 2004 refers to paragraphs [0073-0078] and not paragraph [0015] of the Gaul reference to reject independent Claim 1. The Applicants also believe that page 14, second paragraph of the provisional may not constitute enabling prior art.<sup>1</sup> Whether or not page 14, second paragraph of the provisional application or the entire document constitutes enabling prior art, the Examiner has used the interview to change the grounds of rejection stated in his Final Office Action.

Though the Applicants do not believe that it is proper for Examiner Colin to rely on the interview summary of February 28, 2005 to support or supplement the grounds of his Final Rejection of November 23, 2005, they appreciate the Examiner's time and consideration given during the telephone interview of February 22, 2005. To advance the prosecution of this application, the Applicants have decided to amend the claims of this patent application to clearly define over the prior art of record. The Applicants have also filed an RCE in connection with this amendment so that the Examiner can conduct an update search so that he can give the amended claims his fullest consideration.

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<sup>1</sup> The Applicants also note that while page 14, second paragraph of the provisional application may correspond to paragraph [0115] of the Gaul reference, the Applicants raise the issue of whether page 14, second paragraph of the provisional application is fully enabled under 35 U.S.C. § 112, first paragraph in view of the lack of detail of the provisional compared to the Gaul reference. As noted previously in this paper, the provisional application for the Gaul reference only provides two drawings compared to the eleven figures (Figures 1-9) of the Gaul reference. Also, the Gaul reference has substantially more text than is found in the provisional application.

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The Applicants and the undersigned request the Examiner to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-202.

#### Claim Rejections under 35 U.S.C. §§ 102 & 103

The Examiner rejected Claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,397,245 issued in the name of Johnson, II et al. (hereinafter, the "Johnson reference") in view of the Gaul reference.

The Applicants respectfully offer remarks to traverse these pending rejections. The Applicants will address each independent claim separately as the Applicants believe that each independent claim is separately patentable over the prior art of record.

#### Independent Claim 1

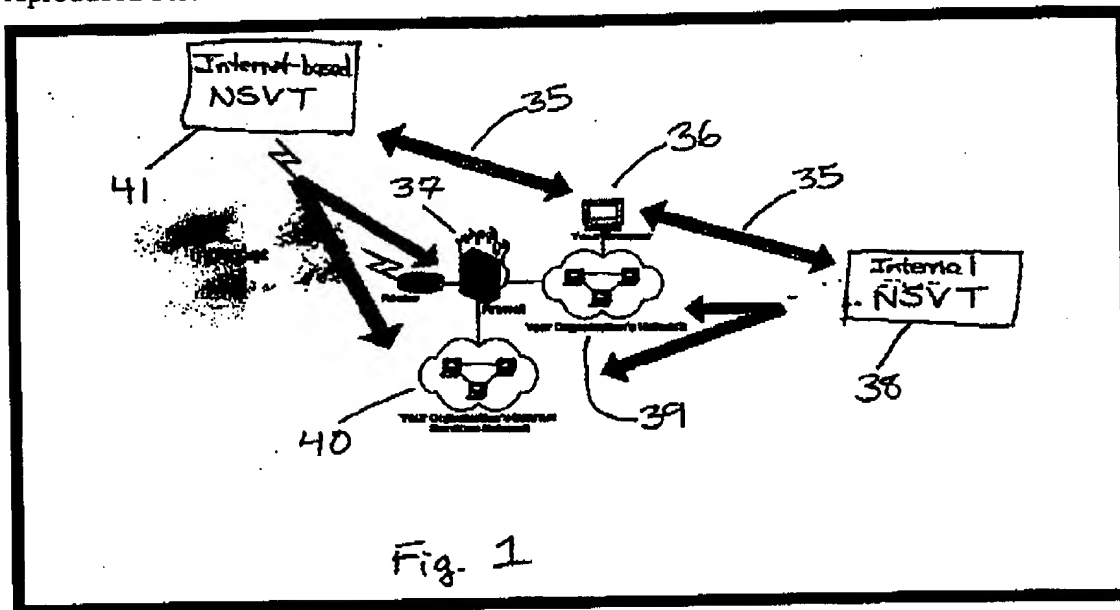
The rejection of Claim 1 is respectfully traversed. It is respectfully submitted that the Johnson and Gaul references fail to describe, teach, or suggest the combination of: (1) issuing a request for a scanner from a browser operating on the workstation to a network server via a computer network; (2) transmitting the scanner from the network server to the workstation via the computer network, (3) the scanner installable within the browser and operative to complete a vulnerability assessment of the workstation to identify security vulnerabilities of the workstation that can compromise secure operation of the workstation on the computer network; (4) generating workstation credentials in response to the scanner conducting the vulnerability assessment of the workstation; (5) comparing the workstation credentials to a workstation policy; (6) granting access to the network server if the workstation credentials are in compliance with the workstation policy; and (7) if access to the network server is granted because the workstation credentials are in compliance with the workstation policy, issuing a request for credentials associated with a user, as recited in amended independent Claim 1.

#### The Gaul Reference

The Gaul reference describes a system that allows Systems Administrators and Network Managers to perform Internet security vulnerability assessments from outside of

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an organization's firewall 37. See Gaul reference, page 2, first column, paragraph 0016. The system of the Gaul reference allows a system administrator to use an internet browser running on a client 36 to access an external Internet-based Network Security Vulnerability Testing (NSVT) application 41 and an internal Network Security Vulnerability Testing (NSVT) application 38. See Figure 1 of the Gaul reference reproduced below.



With NSVT applications 38, 41 the user running the client 36 can launch security testing against any one system or multiple systems. See Figure 1 of the Gaul reference reproduced above and page 3, first column, paragraph 0031.

The Gaul reference provides security testing or vulnerability testing of its computer system elements, but it does not use its security testing or vulnerability testing in connection with allowing a computer system element to gain access to a network or service. The Gaul reference is only concerned with random testing of its system components under control of system administrators and repairing those components if the components fail a test.

Meanwhile, the Applicants' invention generates workstation credentials in response to a scanner conducting a vulnerability assessment of the workstation; compares the workstation credentials to a workstation policy; grants access to the network server if

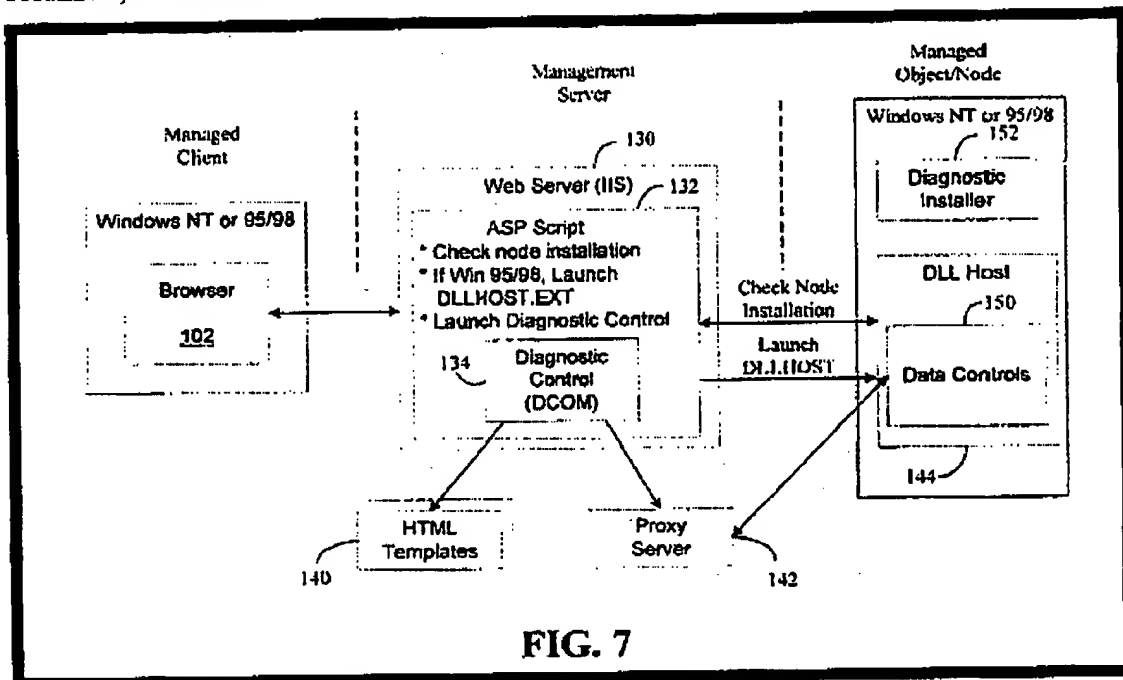
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the workstation credentials are in compliance with the workstation policy; if access to the network server is granted because the workstation credentials are in compliance with the workstation policy, issues a request for credentials associated with a user, as recited in amended independent Claim 1.

### The Johnson Reference

The Examiner admits that the Gaul reference does not provide a teaching of Internet based services that are offered under controlled access. To make up for this deficiency of the Gaul reference, the Examiner relies upon the Johnson reference.

The Johnson reference describes diagnosis software 134 on a management server 130 that can be controlled and directed by a system administrator through a user interface 102 that is part of an Internet Browser. See Figure 7 of the Johnson reference and column 8, lines 24-37.

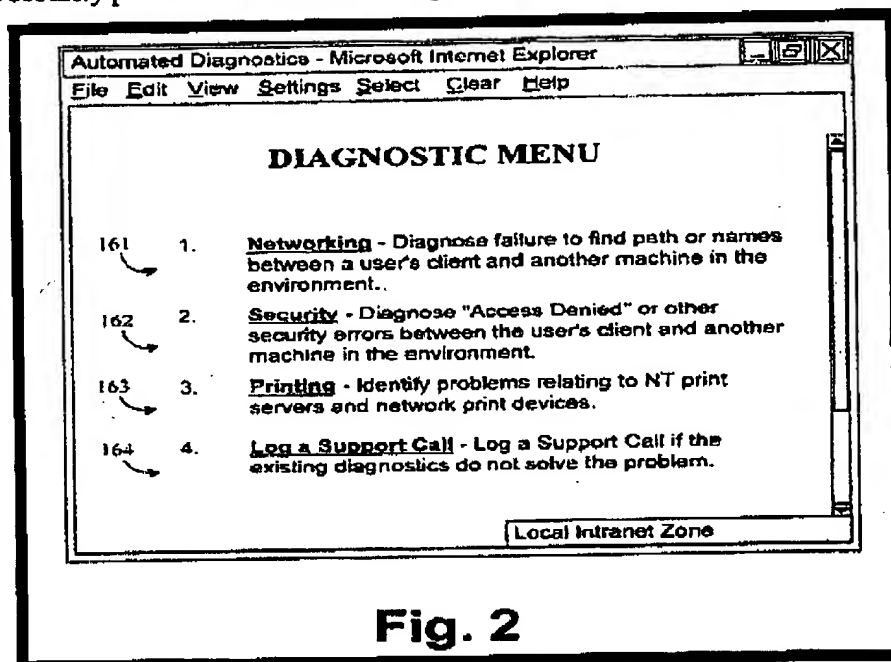


The diagnosis software (DCOM) 134 can collect information on a managed object such as another computer. The managed object may or may not have data control software 150 preinstalled. The diagnosis software 134 checks to determine if a managed object has the data control software 150. If the managed object does not have the data

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control software 150, a diagnostic installer 152 stored on the managed object will make sure the data control software 150 is properly installed through a sockets process. See the Johnson reference, column 10, lines 2-33.

With the data control software 150 in communication with the diagnosis software 134, a system administrator using the interface 102 may check the networking parameters 161 and security parameters 162 of a managed object.



**Fig. 2**

The security parameters 162 can include diagnosing "access denied" or other security errors between a user's client and another machine in a network. See Figure 2 of the Johnson reference reproduced above that illustrates a diagnostic menu provided by the diagnosis software 134. Particularly, see item 2 designated by reference numeral 162 in Figure 2 above in which a human administrator can diagnose security errors between a user's client and another machine in the computer network.

While the Johnson reference provides diagnostic tools illustrated in Figure 2 that can be used remotely by an administrator to determine why a particular network user is having problems with security or access, the Johnson reference does not provide any teaching of the combination of generating workstation credentials in response to the scanner conducting the vulnerability assessment of the workstation; comparing the workstation credentials to a workstation policy; granting access to the network server if

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the workstation credentials are in compliance with the workstation policy; and if access to the network server is granted because the workstation credentials are in compliance with the workstation policy, issuing a request for credentials associated with a user.

Summary for Independent Claim 1

In light of the differences between amended independent Claim 1 and the Johnson and Gaul references noted above, one of ordinary skill in the art recognizes that these prior art references, alone or in combination, cannot anticipate or render obvious the recitations as set forth in amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejection of Claim 1 are respectfully requested.

Independent Claim 8

The rejection of Claim 8 is respectfully traversed. It is respectfully submitted that the Dinh and Hummel references, fail to describe, teach, or suggest the combination of: (1) issuing a request for a scanner to a network server from a browser operating on the workstation; (2) transmitting the scanner and a workstation policy from the network server to the workstation via the computer network, (3) the scanner installable within the browser and operative to generate workstation credentials by completing a vulnerability assessment of the workstation; (4) comparing the workstation credentials to the workstation policy on the workstation to determine whether the workstation should be granted access to the software service; (5) granting access to the software service if the workstation credentials are in compliance with the workstation policy; and (6) if access to the software service is granted because the workstation credentials are in compliance with the workstation policy, issuing a request for user authentication, as recited in amended independent Claim 8.

As noted above with respect to independent Claim 1, neither the Gaul reference nor the Johnson reference provide the general teaching of granting access to a system or network for a workstation and then requesting further information about a user of the workstation. It follows that these references also do not teach comparing the workstation credentials to the workstation policy on the workstation to determine whether the workstation should be granted access to the software service; granting access to the



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software service if the workstation credentials are in compliance with the workstation policy; and if access to the software service is granted because the workstation credentials are in compliance with the workstation policy, issuing a request for user authentication as recited in amended independent Claim 8.

In light of the differences between Claim 8 and the references mentioned above, one of ordinary skill in the art recognizes that the Gaul and Johnson references, alone or in combination, cannot anticipate or render obvious the recitations as set forth in independent Claim 8. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### Independent Claim 11

The rejection of Claim 11 is respectfully traversed. It is respectfully submitted that the Gaul and Johnson references, fail to describe, teach, or suggest the combination of: (1) issuing a request for a scanner to the network server from a browser operating on the workstation; (2) transmitting the scanner from the network server to the workstation via the computer network, (3) the scanner installable within the browser and operative to generate workstation credentials by completing a vulnerability assessment of the workstation to identify security vulnerabilities that would compromise the secure operation of the workstation on the computer network; (4) transmitting the workstation security credentials from the scanner to the network server via the computer network; (5) determining at the network server whether the workstation should be granted access to a network service of the network based on the workstation credentials; and (6) granting access to the network service if the workstation credentials are in compliance with the workstation policy; and (7) if access is granted to the network service because the workstation credentials are in compliance with the workstation policy, issuing a request for information relating to user authentication, as recited in amended independent Claim 11.

As noted above with respect to independent Claim 1, neither the Gaul reference nor the Johnson reference provide a teaching of granting access to a system or network for a workstation and then requesting further information about a user of the workstation. It follows that these two references, alone or in combination, also do not teach

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transmitting a workstation security credentials from a scanner to the network server via the computer network; determining at the network server whether the workstation should be granted access to a network service of the network based on the workstation credentials; granting access to the network service if the workstation credentials are in compliance with the workstation policy; and if access is granted to the network service because the workstation credentials are in compliance with the workstation policy, issuing a request for information relating to user authentication, as recited in amended independent Claim 11.

In light of the differences between amended Claim 11 and the references mentioned above, one of ordinary skill in the art recognizes that the prior art references, alone or in combination, cannot anticipate or render obvious the recitations as set forth in amended independent Claim 11. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### Dependent Claims 2-7, 9-10, and 12-20

The Applicants respectfully submit that the above-identified dependent claims are allowable because the independent claims from which they depend are patentable over the cited references.

Dependent Claims 15-20 emphasize the difference between workstation credentials and credentials associated with a user. The workstation credentials are used to determine if a workstation should be allowed to proceed with authenticating a user. In this way, if the workstation credentials indicate that authentication of a user should not be allowed to proceed, then the authentication process is terminated before a user presents his or her credentials over the computer network.

The Applicants also respectfully submit that the recitations of all the dependent claims are of patentable significance. Accordingly, reconsideration and withdrawal of the rejections of the dependent claims are respectfully requested.

#### CONCLUSION

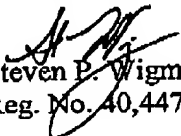
The foregoing is submitted as a full and complete response to the Office Action mailed on November 23, 2004. The Applicants and the undersigned thank Examiner

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Colin for the consideration of these remarks. The Applicants have submitted remarks to traverse the rejections of Claims 1-20. The Applicants respectfully submit that the present application is in condition for allowance. Such Action is hereby courteously solicited.

If any issues remain that may be resolved by telephone, the Examiner is requested to call the undersigned at 404.572.2884.

Respectfully submitted,

  
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